

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/17/2019

MIANKANZE BAMBA,

Plaintiff,

-against-

U.S. DEPARTMENT OF HOMELAND
SECURITY (DHS-FPS),

Defendant.

19-CV-8646 (VEC) (DCF)

ORDER OF SERVICE

DEBRA FREEMAN, United States Magistrate Judge:

Plaintiff Miankanze Bamba ("Plaintiff"), who is proceeding *pro se* in this employment discrimination action pursuant to Title VII of the Civil Rights Act of 1964 and the Federal Tort Claims Act, filed this action on September 17, 2019, and paid the applicable filing fees. (Dkt. 1.) That same day, the Clerk of Court issued a summons as to the U.S. Department of Homeland Security (DHS-FPS) ("Defendant") (*See* Dkt.) Thereafter, on September 23, 2019, this case was referred to me by the Honorable Valerie E. Caproni, U.S.D.J., for general pretrial supervision, and for dispositive motions requiring a report and recommendation. (Dkt. 4.)

Rule 4(m) of the Federal Rules of Civil Procedure provides that, if service of the Summons and Complaint is not made upon a defendant within 90 days after the filing of the Complaint, the Court shall dismiss the action without prejudice, unless good cause is shown for the plaintiff's failure to serve within the prescribed time. The Court may also direct that service be effected within a specific time. Plaintiff having filed no proof of service to date, it appears that, in this case, service was *not* made within 90 days of the filing of the Complaint (that time having expired on December 16, 2019). The Court notes, however, that Plaintiff is proceeding in this case *pro se*, and may not have understood the requirements of Rule 4(m).

Accordingly, it is hereby ORDERED that:

1. The Clerk of Court shall issue an Amended Summons as of this date;
2. The Court's *Pro Se* Office is directed to forward the Amended Summons, as well as a copy of the Complaint, to Plaintiff;
3. Plaintiff's time to effect service of the Summons and Complaint is extended, *sua sponte*, to March 14, 2020;
4. Plaintiff is cautioned that if, by March 14, 2020, the Court has not received either proof of service or an affidavit demonstrating good cause for Plaintiff's failure to effect timely service, I will recommend to Judge Caproni that this action be dismissed without prejudice.

The Clerk of Court is directed to mail a copy of this order to Plaintiff, and to note service on the Docket.

Dated: December 17, 2019
New York, New York

SO ORDERED.



DEBRA FREEMAN
United States Magistrate Judge